

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD  
REGULAR MEETING**

**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**

**Board Members**

Michael Gravesen, Chair  
Paul Bigness, Vice-Chair  
Stephen Vieira, Secretary  
Don McCormick  
Kenneth Chandler



**District**

District V  
District III  
District I  
District II  
District IV

**MINUTES  
REGULAR MEETING**

*January 13, 2020 at 1:30 P.M.*

**Call to Order**

Chair Gravesen called the meeting to order at 1:30 pm

**Roll Call**

Upon the roll being called it was determined a quorum was present.

**Approval of Minutes – December 9, 2019 Regular Meeting**

The December 9, 2019 minutes were approved as circulated.

**Announcements**

The oath was provided by Secretary Scott for those wishing to provided testimony.

**PETITIONS**

Audio Timestamp 1:3 p.m.

**PP-19-11-16**

**Quasi-judicial**

**Commission District IV**

KL West Port, LLC has requested Preliminary Plat approval for a subdivision to be named, The Hammocks at West Port and The Isles at West Port Phase 1, consisting of 431 residential lots. The site is 436.73 acres, more or less, and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 11 and 14, Township 40S, Range 21E, in Commission District IV.

**Steven Ellis, Planner, Mr. Ellis** provided the findings and analysis for Petition **PP-19-11-16** with a recommendation of approval, based on the reasons stated in the staff report. The Future Land Use designation is Murdock Village Mixed Use; the Zoning has a mixture of Planned Development and Residential Single Family 3.5.

This is the second plat of a large phase project. All pertinent departments have reviewed resulting in nine (9) conditions as shown in the staff report. Community Development recommends approval with the nine (9) conditions.

**Chair Gravesen** stated they accept Mr. Ellis as an expert witness.

**Questions for Staff**

None offered.

**Applicant's Presentation**

None offered.

**Public Input**

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Chandler** moved that **PP-19-11-16** be sent to the Board of County Commissioners with a recommendation of Approval with the conditions as outlined in the staff report, based on the findings and analysis in the staff report dated December 18, 2019, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

*Audio Timestamp 1:38 p.m.*

**Z-18-07-35**

**Quasi-Judicial**

**Commission District IV**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 10 (RMF-10), Residential Single-family 3.5 (RSF-3.5), Office Medical Institutional (OMI), and Commercial General (CG) to Planned Development (PD), for property bound by Seymour Avenue to the north, Collingswood Boulevard to the east, El Jobean Road (SR 776) to the south, and the Como Waterway to the west, in the Port Charlotte area, containing 153.46± acres; Commission District IV; Petition No. Z-18-07-35; Applicant: Lost Lagoon Development, LLLP; providing an effective date.

**Matt Trepal, Planner, Principal**, asked that the Board accept him as an expert in Planning; based on the summary of his qualifications attached as Exhibit 1. **Chair Gravesen** stated they accept Mr. Trepal as an expert witness. **Mr. Trepal** provided the findings and analysis for Petition **Z-18-07-35** with a recommendation of approval, based on the reasons stated in the staff report.

The subject property is located in the eastern portion of Murdock Village and is vacant. The property is located within a redevelopment area, specifically Murdock Village CRA. The proposed zoning is Planned Development (PD). This project would implement the intent of the Murdock Village FLUM designation which allows a combination of residential, retail commercial, medical office, office show room, educational, recreational and institutional facilities for long term sustainable development. No residential development is anticipated. The limiting of traffic generation through the Equivalency Matrix was a vital factor in determining Murdock Village could be vested from transportation concurrency.

This project is consistent with the goals, objectives and policies of Charlotte 2050 and the Community Development Department recommends approval with conditions a-vv.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Attorney Grimes**, Grimes, Goebel Law Firm, provided a brief overview of the project introducing members of Lost Lagoon Development LLP and the team; stating they accept Matt Trepal as an expert in planning. **Attorney Grimes** requested a Rezone to PD; stating they accept the conditions as outlined in the staff report.

**Ms. Mims** provided a PowerPoint presentation for the project explaining this will be a Smart C Project, meaning all aspects of the campus will have some type of sustainability. There will be no Big Box Retail. Phase 1 will be Hotel, Dining and Retail with the Water Park and Amphitheatre to follow in later phases. Toledo Blade will become four lanes.

**Mr. Bigness** asked if stop lights are planned; with **Mr. Cullinan, Planning & Zoning Official** stating this will be based on traffic generation once in place.



**Mr. Gravesen** asked what the ingress and egress points would be for this project; **Ms. Mims** stated FDOT standards and guidelines will be followed. Parking garages may come out on the back of the property and traffic will be addressed per event.

**Mr. Cullinan** stated the Final Detail Site Plan will be next after the plat and will be heard by the BCC only.

**Mr. McCormick** asked what SMART Parking refers to; with **Mr. Hughley** explaining SMART Parking refers to the technology, allowing parking spaces to be secured before arrival, knowing the lot capacity, and thus allowing for re-routing of traffic.

**Mr. Gravesen** asked about building heights of 150' to 170' feet; with **Mr. Trepal** explaining that heights can be increased in a PD; this is generally for buildings up to 150'; and structures within the water park up to 170'.

#### **Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

#### **Recommendation**

**Mr. Chandler** moved that **Z-18-07-35** be sent to the Board of County Commissioners with a recommendation of Approval with the conditions as outlined in the staff report, based on the findings and analysis in the staff report dated December 11, 2019, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

*Audio Timestamp 2:11 p.m.*

#### **PA-19-08-12                      Legislative                      Commission District II**

An Ordinance pursuant to Section 163.3187(1), Florida Statutes, adopt a Small-Scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM) (1.12± acres) and Preservation (PR) (0.4± acres); for property located at 4920 and 5000 Deltona Drive, in the Punta Gorda area, containing 1.52± acres; Commission District II; Petition No. PA-19-08-12; applicant: Drew and Nancy Lisby; providing an effective date.

#### **Z-19-08-13                      Quasi-Judicial                      Commission District II**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manufactured Home Conventional (MHC) and Commercial General (CG) to Planned Development (PD); for property located at 4920 and 5000 Deltona Drive, in the Punta Gorda area, containing 1.52± acres; Commission District II; Petition No. Z-19-08-13; applicant: Drew and Nancy Lisby; providing an effective date.

**Elizabeth Nocheck, Senior Planner**, asked that the Board accept her as an expert in Planning based on the summary of her qualifications attached as Exhibit 1. **Chair Gravesen** stated they accept Ms. Nocheck as an expert witness. **Ms. Nocheck** provided the findings and analysis for Petition **PA-19-08-12** and **Z-19-08-13** with a recommendation of approval, based on the reasons stated in the staff report.

The inconsistencies between the amount of land included in the FLUM Amendment and the PD Rezoning stem from the existing zoning of the property. The subject property is located within a maturing neighborhood. The existing marina will remain as is and the northern parcel will be designated for preservation and remain undeveloped. The existing nonconformity will be made consistent with the Charlotte County Comprehensive Plan and the Land Use Regulations. A Type D buffer, 60' in length, including an opaque fence at the north end of the southern portion will screen an area currently being used for the storage of boats and boat trailers.

The Planning Division recommends approval of this small-scale plan amendment and companion zoning map amendment based on the findings and analysis documented in the staff report, the property owner's application, the existing land uses for subject property and the surrounding area and the County's Comprehensive Plan.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Mr. Berntsson, Big W Law Firm** stated they accept **Ms. Nocheck** as an expert. There will be no development in the swamp area, and this will be preserved. We join in the staff report and request your approval of the small-scale PA and Rezoning. **Mr. Berntsson** stated they accept the conditions as outlined in the staff report.

**Public Input**

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. McCormick** moved that **PA-19-08-12** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report December 30, 2019, Charlotte County's Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**Recommendation**

**Mr. McCormick** moved that **Z-19-08-13** be sent to the Board of County Commissioners with conditions a-d as outlined in the staff report, based on the findings and analysis in the staff report dated December 30, 2019, Charlotte County's Comprehensive Plan; along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**Z-19-10-31**

**Quasi-Judicial**

**Commission District II**

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Planned Development (PD) to PD to allow for up to 234 Recreational Vehicles, for property located at 8979 Burnt Store Road, in the Punta Gorda area; Containing 49.91 acres more or less; Commission District II; Petition No. Z-19-10-31; applicant: 8979 Burnt Store, LLC.

**Jie Shao, Planner, Principal**, asked that the Board accept her as an expert in Planning; stating that her credentials were attached to the staff report as Exhibit 1. **Chair Gravesen** stated they accept Ms. Shao as an expert. **Ms. Shao** provided the findings and analysis for Petition **Z-19-10-31** with a recommendation of approval, based on the reasons stated in the staff report dated December 3, 2019.

The entire site is designated as part of a maturing neighborhood, Low Density Residential; with Ms. Shao explaining the history of the subject property. The site is currently zoned Planned Development (PD). The site has residential development rights for single family, multi-family development.

The PD Site Plan was recommended for approval by the Site Plan Review Committee with conditions as outlined in the staff report. Ms. Shao explained the conditions. Traffic concerns with current roadway conditions were explained, proposed condition o. Revised PD Conditions were provided to the Board. The department recommends approval of this PD Rezoning with conditions a-o.

**Questions for Staff**

None offered.



**Applicant's Presentation**

**Mr. Green**, Wyler Engineering was sworn and stated that he believes as a professional planner this petition to be consistent with the Comp Plan. Mr. Green was accepted as an expert in Planning and Mr. Green excepting Ms. Shao as an expert. This project while in an urban area is surrounded by Commercial, Industrial and High Intensity Residential uses. Mr. Green stated their objection to the condition of the road width of 11'; requesting a recommendation of approval to the BCC.

**Mr. Bigness** asked about recreation facilities including Pickle Ball; with **Mr. Green** stating this would be to the rear of the lot where there are no residential homes and an FPL easement.

**Mr. Bigness** asked about Condition B, page 2, Bi-Annual reporting; with **Ms. Shao** stating the applicant will provide a report for County review regarding the wetlands, annually for two years and then bi-annually for another four years.

**Mr. Vieira** asked about the road widening; with **Ravi, Public Works** explaining concerns with the road width of 8.5' for RV's. The radius for turning was explained.

**Mr. Vieira** asked if the applicant was being asked to widen the road by 6' for the entire length of the project or just at the entrances; **Attorney David** explained the condition would be to widen the road from Taylor to Jones Loop and to improve the intersections.

**Mr. Green** stated his objection to this condition.

Discussion ensued as to widening the road and impact fee credits for the developer widening the road.

**Public Input**

Janet Scinta, resident south of the subject property, asked about lighting, the vegetation barrier of 50 ft., the fence location; and the residential surrounding three sides of this property. She suggested the road widening from Taylor Road keeping traffic away from residential and that amenities be placed on the north side of the property to reduce noise. Ms. Scinta asked if this is for storage or a place for RV's to stay; stating the road is currently fine for residential traffic.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Mr. Green** explained the goal is to maintain the existing native vegetation, and not do a wall. There will be slopes for drainage with a 3' berm in the back. There will be site lighting with a clubhouse; which will meet County lighting requirements. There will be onsite recreation. This will be an RV Resort with people staying up to 180 days.

**Mr. Green** suggested a recommendation without the condition of 11 ft. for the road widening and the road should be widened with the cooperation between the applicant and the County thru discussion.

**Ms. Shao** explained that Impact fee credits are not allowed as per the Comprehensive Plan for this project.

Discussion ensued as to the condition "oi" outlined in the staff report and a recommendation to the BCC.

**Recommendation**

**Mr. McCormick** moved that **Z-19-10-31** be sent to the Board of County Commissioners with a recommendation of Approval with conditions a-o ; with "oi" be further looked at and negotiated with the applicant, as outlined in the PD conditions handed out to the Board before today's meeting, based on the findings and analysis in the staff report dated December 3, 2019, Charlotte County's Comprehensive Plan; along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**Discuss Board Members Absences – County Attorney**

Attorney David thanked the Board members for their service; explaining the absentee rules as per Resolution.

Chair Gravesen called for a five-minute recess.

**Election of Officers**

Attorney David opened the floor for nominations for the office of Chair.

Mr. Vieira made a motion nominating Mr. Gravesen for Chair, second by Mr. Chandler; motion passed unanimously.

Mr. Chandler made a motion nominating Mr. Bigness for Vice-Chair; second by Mr. Vieira; motion passed unanimously.

Mr. McCormick made a motion nominating Mr. Vieira for Secretary, second by Mr. Bigness; motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at 3:24 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board

A handwritten signature in dark ink, reading "Michael Gravesen", is written over a horizontal line.

Michael Gravesen, Chair